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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/620,525	07/20/2000	Bruce E. Novich	1596C4	2888

7390 10/27/2003

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EXAMINER

GRAY, JILL M

ART UNIT PAPER NUMBER

1774

DATE MAILED: 10/27/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/620,525

Applicant(s)

NOVICH ET AL.

Examiner

Jill M. Gray

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-63 is/are pending in the application.
- 4a) Of the above claim(s) 9-12, 15-17 and 33-63 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-8, 13, 14 and 18-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Amendment

The rejection of claims 1, 4, 6-8, 13-14 and 18-32 under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Publication 208,268 (translation referred to as Sugano) in view of Japanese Patent Publication 5-110218 (translation referred to as Sasaki) and Pollet et al, 5,024,890, 5,312,687, and 5,387,468 is withdrawn in view of applicants arguments.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 4-8, 13-14, and 18-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In particular, the specification does not describe how to make a fabric having a powdered coating on at least a portion of the fabric surface, wherein the entire coating is "powdered" as argued by applicants on page 5, lines 17-18 of the amendment.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-8, and 18-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakaguchi et al, 4,006,272 (Sakaguchi) in view of Raghupathi et al, 6,139,958 (Raghupathi).

Sakaguchi teaches glass fiber mats impregnated with a binder. The binder can be applied as a dispersion or used in the dry powder state and uniformly distributed on the glass fiber substrate as required by claims 1 and 4-5. See column 3, lines 65-67. When the binder is applied in the dry powder state, a lubricant of the type set forth in claim 22 and inorganic particle can be added to improve flowability. See column 4, lines 3-7. The binder is selected from organic materials such as thermoplastic and thermosetting materials as required by claims 25-26 and can be polyester, per claims 27-28. Regarding claims 20-21, 23-24 and 29-30, these claims are drawn to the amount of particles, lubricious material and film forming material in the composition. It is the examiner's position that when the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation. Regarding claim 18, the particles necessarily provide some degree of interstitial spacing. Regarding claim 19, this claim is drawn to the size of the particles, wherein size is not ordinarily a matter of invention. Sakaguchi does not teach the specific type of glass.

Raghupathi teaches that glass fibers of the type contemplated by applicants in claims 6-8 can be used for the production of glass fiber mats. See column 8, lines 15-

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20 and column 1, lines 20-21. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use as the glass fibers of Sakaguchi, any glass fibers known in the art, such as those taught by Raghupathi and contemplated by applicants, with the reasonable expectation of success of obtaining a glass fiber mat having great transparency.

Therefore, the combined teachings of Sakaguchi and Raghupathi would have rendered obvious the invention as claimed in claims 1, 4-8, and 18-30.

Claims 1, 4-8, 13-14, and 18-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kotera et al, 4,340,519 (Kotera) in view of Raghupathi et al, 6,139,958 (Raghupathi) as applied above to claims 1, 4-8, and 18-30.

Kotera teaches a polyester resin composition that can be applied to various fiber substrates (column 8, lines 9-12). The resin composition can contain conventional lubricating agents (per claim 22) and inorganic lamellar particles such as graphite, (per claims 13-14). See column 8, line 33 and lines 53-57. The composition can be applied to glass products, as required by claim 4-5. See column 9, line 19. In addition, in Example 25, Kotera teaches that the resin composition can be a powdered coating composition that comprises the polyester (claims 25-28), titanium oxide (claim 1) POLYFLOW (claim 1), a crosslinking agent and dibutyl tin dilaurate (claims 31-32), wherein the coating is applied electrostatically. Regarding claims 20-21, 23-24 and 29-30, these claims are drawn to the amount of particles, lubricious material and film forming material in the composition. It is the examiner's position that when the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the

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optimum or workable ranges by routine experimentation. Regarding claim 18, the particles necessarily provide some degree of interstitial spacing. Regarding claim 19, this claim is drawn to the size of the particles, wherein size is not ordinarily a matter of invention. Kotera does not specifically teach glass fibers of the type contemplated by applicants in claims 6-8.

Raghupathi is as set forth above and teaches that glass fibers of the type contemplated by applicants in claims 6-8 can be used for the production of glass fiber mats. See column 8, lines 15-20 and column 1, lines 20-21. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kotera by using as the glass substrate, a glass cloth or mat as taught by Raghupathi, wherein the specific glass used is any fiberizable glass material known to the art, such as those contemplated by applicants and as taught by Raghupathi with the reasonable expectation of success of forming glass products having excellent transparency.

Accordingly, the combined teachings of Kotera and Raghupathi would have rendered obvious the invention as claimed in the present claims.

Response to Arguments

Applicant's arguments with respect to claims 1, 4-8, 13-14, and 18-32 have been considered but are moot in view of the new ground(s) of rejection.

No claims are allowed.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill M. Gray whose telephone number is 703.308.2381.

The examiner can normally be reached on M-F 10:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 703.308.0449. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.0651.


Jill M. Gray
Examiner
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jmg